

RESOLUTION NO. 2015 - 19

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 1102 W. PARK, SEARCY, ARKANSAS, A NUISANCE; DIRECTING THE REMOVAL OF THE IMPROVEMENTS CONSTITUTING THE NUISANCE; AND FOR OTHER PURPOSES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEARCY, TO-WIT:

WHEREAS, the Searcy City Council has been made aware of the conditions certain real property located at 1102 W. Park, Searcy, White County, Arkansas, more particularly described, to-wit:

A part of lot 23 of Baker's Subdivision of Lot or Block 40 of Jones Addition to the City of Searcy, Arkansas, better described as follows, to-wit: BEGINNING at the South Corner of Lots 23 and 24 of said Baker's Subdivision and run thence East 50 ft; thence North 150 feet; thence West 50 feet; thence South 150 ft. to the Point of Beginning

Subject to all existing easements, right of ways and Protective Covenants of record.

(the "Nuisance Property"); and

WHEREAS, the Code Enforcement Department of the City of Searcy has advised the Searcy City Council that the record title owner of the Nuisance Property is M.D. DuPriest and Eva DuPriest and any persons holding by, through or under these persons and including, without limitation, Lonnie DuPriest; and

WHEREAS, the Code Enforcement Department of the City of Searcy has advised the Searcy City Council that the Nuisance Property comprises a nuisance on the following bases:

1. The grass, lawn and surrounding planting of the Nuisance Property are overgrown and serve as a reservoir for pests, vermin and other vectors of disease;
2. The roof and eaves of the Nuisance Property are rotten, dilapidated, have been breached and the structure stands open to the elements and is not capable of human habitation;
3. Windows are broken and the door or doors stand open, permitting access to an unsafe structure;
4. The Nuisance Property serves as a reservoir for pests and vermin; and

5. The Nuisance Property presents an immediate hazard to any persons seeking to enter the said property, whether for a proper and lawful purpose or otherwise.

WHEREAS, the Code Enforcement Department of the City of Searcy have contacted the owners of the said real property on a number of occasions seeking to have these conditions remedied, with no success as of the date of the adoption of this resolution.

NOW, THEREFORE, be it resolved by the City Council of the City of Searcy, Arkansas, to-wit:

Section 1. That the Nuisance Property is declared by the Searcy City Council to be a nuisance pursuant to Section 9-10 of the Code of Ordinances of the City of Searcy, Arkansas, for the reasons set forth herein.

Section 2. The Mayor and City Clerk, or their designees, are directed to forward a certified copy of this resolution to the owner of the said real property described herein, and to all persons or entities having an interest in the said real property as reflected in a review of the real property records of the Recorder or, if unable to be located, to cause to be posted a copy of this resolution upon the Nuisance Property.

Section 3. If, after thirty (30) days from the date of such notice, the bases for finding that the Nuisance Property is a nuisance pursuant to Chapter 9 of the Searcy Code of Ordinances have not been corrected or otherwise abated to the satisfaction of the Mayor of the City of Searcy, the Mayor may direct that the improvements or other conditions constituting the nuisance may be torn down, razed or removed by the City and any saleable material be liquidated as provided in Section 9-15 of the Searcy Code of Ordinances, with any such proceeds to be applied pursuant to Section 9-16 of the Searcy Code of Ordinances.

Section 4. Upon the removal of any improvements, or other conditions constituting a nuisance upon the Nuisance Property, the costs, fees and expenses of such remediation or abatement may constitute a lien upon the Nuisance Property as provided in Section 9-17 of the Searcy Code of Ordinances.

PASSED AND ADOPTED this 12th day of May, 2015.

/s/ David Morris
Mayor

ATTEST:

/s/ Jerry Morris
City Clerk